



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,524	01/30/2002	Jeffrey D. Jacobson	JACO-006	5773

7590 06/04/2003

Michael S. Neustel
2534 South University Drive, Suite No.4
Fargo, ND 58103

EXAMINER

SHRIVER II, JAMES A

ART UNIT	PAPER NUMBER
----------	--------------

3618

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,524

Applicant(s)

JACOBSON, JEFFREY D.

Examiner

J. Allen Shriver

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "44" has been used to designate the gripping member, front portion and rear portion of the gripping member as shown in Figure 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: In the first paragraph of the cross-reference section, the sentence "The 09/687,958 application is currently pending" should be changed to --The 09/687,958 application has been abandoned. --

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4, 6-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Denning (US Patent 1,526,904).** Denning discloses a ski system (See Figs. 1-2) having a base

member (10) having an upper surface and a lower surface (See Fig. 2); a securing structure (12-14) attached to the upper surface of the base member for catchably receiving a shoe (See Fig. 2); and a plurality of gripping members (25) attached to and extending downwardly from said lower surface, wherein each of said plurality of gripping members has a front portion (26) for gliding upon a snow surface allowing forward movement and a rear portion (28) for engaging the snow surfaces for preventing rearward movement; wherein said front portion is tapered upwardly and forwardly to said lower surface of said base member (See Fig. 2 and column 3, line 16-21); wherein said front portion is curved upwardly and forwardly to said lower surface of said base member (See Fig. 2); wherein the rear portion extends upwardly to the lower surface of the base member; wherein said rear portion is comprised of a closed structure; wherein said base member includes a front lip (11) curved upwardly; and wherein said securing structure is comprised of a receiver structure (21) for receiving the rear portion of the shoe, a first strap attached to said base member and a second strap attached to said base member, wherein said straps may be connected about a front portion of said shoe (See Fig. 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denning (US Patent 1,526,904) in view of Eder (WO 93/24192).** Denning discloses a ski system as set forth

above, but does not disclose wherein the rear portion extends upwardly and at a forward angle to the lower surface of said base member. Eder discloses wherein the rear portion (See Fig. 1) extends upwardly and at a forward angle to the lower surface of the base member. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to extend the rear portions disclosed in Denning at a forward angle to the lower surface of the base member as taught by Eder. The motivation for doing so would have been to provide greater means for walking up an inclined surface without slipping.

7. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denning (US Patent 1,526,904) in view of Wright (US Patent 3,874,315).** Denning discloses a ski system as set forth above, but does not disclose wherein said plurality of gripping members are aligned in three parallel rows along a longitudinal axis of said base member. Wright discloses a ski wherein a plurality of members (15) are aligned in three parallel rows along a longitudinal axis of said base member (See Figs. 2-3). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to arrange the gripping members in three parallel rows in Denning as taught by Wright. The motivation for doing so would have been to provide a greater number of gripping members to increase the traction of the ski.

8. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denning (US Patent 1,526,904) in view of Stewart (US Patent 3,965,585).** Denning discloses a ski system as set forth above, but does not disclose wherein the straps are comprised of an elastic material. Stewart discloses wherein said straps are comprised of an elastic material (23,24). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to substitute the elastic material disclosed in Stewart for the straps disclosed in Denning. The motivation for

doing so would have been to allow the user to quickly disengage the securing straps from their boot as opposed to having to unbuckle the securing strap as disclosed in Denning.

9. **Claims 11-14, 16-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denning (US Patent 1,526,904) in view of Koblick.** Denning discloses a ski system as set forth above, but does not disclose a first sidewall extending from said base member, and a second sidewall extending from said base member, wherein said sidewalls include a plurality of apertures within for receiving a securing strap that secures a shoe upon said base member. Koblick discloses a ski system having a first sidewall (20) extending from said base member, and a second sidewall member (20) extending from said base member, wherein said sidewalls include a plurality of apertures (32,36,40) within for receiving a securing strap (14) that secures a shoe (24) upon said base member (See Fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide Denning with sidewalls with apertures for receiving the securing straps in view of the teaching of Koblick. The motivation for doing so would have been to more securely fasten the boot to the base member of the ski.

10. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denning (US Patent 1,526,904) in view of Koblick (US Patent 4,004,355) as applied to claim 11 above, and further in view of Eder (WO 93/24192).** The combination of Denning and Koblick discloses a ski system as set forth above, but does not disclose wherein the rear portion extends upwardly and at a forward angle to the lower surface of said base member. Eder discloses wherein the rear portion (See Fig. 1) extends upwardly and at a forward angle to the lower surface of the base member. At the time of the invention, it would have been obvious to a person

of ordinary skill in this art to extend the rear portions disclosed in the combination of Denning and Koblick at a forward angle to the lower surface of the base member as taught by Eder. The motivation for doing so would have been to provide greater means for walking up an inclined surface without slipping.

11. **Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denning (US Patent 1,526,904) in view of Koblick (US Patent 4,004,355) as applied to claim 11 above, and further in view of Wright (US Patent 3,874,315).** The combination of Denning and Koblick discloses a ski system as set forth above, but does not disclose wherein said plurality of gripping members are aligned in three parallel rows along a longitudinal axis of said base member. Wright discloses a ski wherein a plurality of members (15) are aligned in three parallel rows along a longitudinal axis of said base member (See Figs. 2-3). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to arrange the gripping members in three parallel rows in the combination of Denning and Koblick as taught by Wright. The motivation for doing so would have been to provide a greater number of gripping members to increase the traction of the ski.

12. **Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denning (US Patent 1,526,904) in view of Koblick (US Patent 4,004,355) as applied to claim 11 above, and further in view of Stewart (US Patent 3,965,585).** The combination of Denning and Koblick discloses a ski system as set forth above, but does not disclose wherein the straps are comprised of an elastic material. Stewart discloses wherein said straps are comprised of an elastic material (23,24). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to substitute the elastic material disclosed in Stewart for the straps

Art Unit: 3618

disclosed in the combination of Denning and Koblick. The motivation for doing so would have been to allow the user to quickly disengage the securing straps from their boot as opposed to having to unbuckle the securing strap as disclosed in the combination of Denning and Koblick.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Johnson can be reached on (703) 308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

J. Allen Shriver
Examiner
Art Unit 3618

JAS
May 30, 2003


BRIAN L. JOHNSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
5/30/03